

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 12-0649 CW

Plaintiff,

v.

ORDER GRANTING
CERTIFICATE OF
APPEALABILITY

DEANDRE SNEAD,

Defendant.

_____/

On August 2, 2016, this Court denied Movant Deandre Snead's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. The Court found that Movant's prior conviction for second-degree robbery, in violation of California Penal Code section 211, qualified as a crime of violence, as defined by the Career Offender Guideline, without relying on the residual clause. The Court denied Movant's request for a certificate of appealability. On August 5, 2016, Movant filed a notice of appeal.

The Court has reconsidered the reasoning underlying the denial of the § 2255 motion in this case. See United States v. Walker, Case No. 12-430. The Court is now of the view that the certificate of appealability should be granted and hereby grants it sua sponte.

Dated: October 6, 2016



CLAUDIA WILKEN
United States District Judge